

REMARKS

Claims 31–44 are pending. A Final Office Action mailed May 2, 2003 rejected Claim 39 under 35 U.S.C. § 112, Claims 39, 40 and 42–44 under 35 U.S.C. § 102, and Claims 31–38 and 41 under 35 U.S.C. § 103. By way of this amendment Applicant hereby amends Claims 31, 33, 34, 39, and 40, and cancels Claim 32. Pursuant to 37 C.F.R. § 1.116, Applicant respectfully requests entry of this amendment and reconsideration of the application.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 112

The Office Action rejected Claim 39 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant hereby amends Claim 39 in order to comply with the noted rejection, thereby rendering this rejection moot.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 102

The Office Action rejected Claims 39, 40, and 42–44 as being anticipated by Katz. The Office Action states that Katz discloses a server comprising a communication component configured to determine vehicle location information from a vehicle, a processor configured to automatically complete a payment transaction, and memory for storing the completed transaction and vehicle location information. The Office Action further states that Katz teaches a computer-based parking attendant device that includes a first component for determining device location information and a second component for sending the determined device location information to the server. The Office Action states that the processor of the server is configured to compare the stored vehicle location information to the received device location information and determine if a vehicle is within a predefined distance of the parking attendant device based on the comparison. The server sends the results of the determination to the parking attendant device and the parking attendant device presents the results of the determination. With regards to amended independent Claim 39, Applicant respectfully traverses this rejection.



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Applicant submits that Katz discloses the status of particular parking spots as determined by sensors 50 built into the ground underneath or near a parking spot. The sensor determines if a vehicle is in the parking spot and sends that information to a transponder 20 that then transmits the information to a server. If the server determines after a certain period of time that a meter associated with the parking space has not been satisfied and the sensor 50 has determined that a vehicle is in the parking spot, the server will notify a parking attendant 41 via the hand-held parking monitor device 40. With regards to amended Claim 39, Applicant submits that Katz fails to teach or suggest that the server receives vehicle location information from a vehicle-based communication component. The system of Katz does not include any communication with any devices located within the vehicle. Therefore, Applicant submits that amended independent Claim 39 is allowable over Katz. Because Claims 40 and 42-44 depend from amended independent Claim 39, they are allowable for the same reasons that make Claim 39 allowable.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 103

The Office Action rejected independent Claim 31 as being unpatentable over Manion. The Office Action states that Manion teaches a method of verifying vehicle parking including wirelessly transmitting from a computer based hand-held parking attendant device location information of the device to a server, determining at the server if any vehicles have registered for parking within a distance of the device based on a comparison of the location information, and sending the results of the determination to the parking attendant device. The Office Action further states that a portion of the results are outputted at the parking attendant device for verification. The Office Action states that Manion does not expressly disclose determining if any vehicles have registered for parking within a predefined distance from the parking attendant device. The Office Action further states that Manion teaches a tool that considers the proximity of an attendant when determining the location of parked cars recorded by the system and that it would have been obvious to one of ordinary skill in the art at the time of the invention to check if vehicles are parked within a predefined distance from the parking attendant in order to increase



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the efficiency of the tool by assigning the parking attendant device that is closest to the vehicle to conserve on travel time. With regards to amended independent Claim 31, Applicant respectfully traverses this rejection.

Applicant has amended Claim 31 to include the features of Claim 32, thereby rendering this rejection moot. However, because Claim 32 was rejected as being unpatentable over Manion in view of Katz, Applicant will address the rejection to Claim 32. Applicant submits that neither Manion or Katz teach wirelessly transmitting vehicle information and vehicle location information from a vehicle to the server. As described above for Claim 39, the only devices that communicate parking information to the server are the sensors and the sensors are not included in the vehicle. With regards to Manion, a sensor (meter element (col. 1, line 55)) provides the notification of whether a car is parked in this space or not. The meter element is a stand-alone device that is not included within the vehicle. Therefore, Applicant submits that newly amended Claim 31 is allowable over Manion and Katz.

Because Claims 33–38 depend from allowable amended independent Claim 31, they are allowable for the same reasons that make Claim 31 allowable.

Claim 41 was rejected as being unpatentable over Katz. Because Claim 41 depends from allowable independent Claim 39, Applicant submits that Claim 41 is allowable for the same reasons that make Claim 39 allowable.



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CONCLUSION

Applicant respectfully submits that all of the claims of the pending application are now in condition for allowance over the cited references. Accordingly, Applicant respectfully requests withdrawal of the rejections, allowance, and early passage through issuance. If the Examiner has any questions, the Examiner is invited to contact the Applicant's agent listed below.

Respectfully submitted,

BLACK LOWE & GRAHAM^{PLLC}



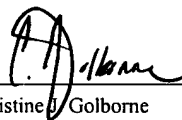
Michael S. Smith
Registration No. 39,563
Dial: 206.749.9888

MAIL CERTIFICATE

I hereby certify that this communication is being deposited with the United States Postal Service via first class mail under 37 C.F.R. § 1.08 on the date indicated below addressed to: MAIL STOP NON-FEE AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

7/29/03

Date of Deposit



Christine Golborne



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